

Meeting of 2006-3-28 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 28, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
COL Sonny Uberti, Fort Sill Liaison (arrived @ 7:22 p.m.)

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Reverend Bob Weger, Bible Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four
Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

AWARD OF COMMENDATION TO CHANTAL REINA-ORTIZ

Mayor Purcell recognized Chantal Reina Ortiz as being selected as one of the Youth Volunteers of the Year for the State of Oklahoma. He presented her with the Mayor s Award of Commendation. He stated in September 2004, she found a literacy program for 3rd graders in low income neighborhoods called Crusaders for Kids. The program provides weekly after school tutoring and a summer enrichment program for fifty children.

PRESENTATION OF EMPLOYEE OF THE MONTH FOR FEBRUARY TO TERI BAYONES, SENIOR CLERICAL ASSOCIATE IN THE NEIGHBORHOOD SERVICES DIVISION OF COMMUNITY SERVICES DEPARTMENT.

Tony Griffith, Neighborhood Services Supervisor, stated Teri has been with the City of Lawton for 18 months. He stated she is the heartbeat of the city. She has a very challenging job and keeps a professional and pleasant attitude. He stated she truly represents the best of the city.

Mayor Purcell presented a plaque, certificate of honor, two days of nonchargable leave, script money from Chamber merchants and a Mayor s Do What s Right coin.

Ms. Bayones thanked Mr. Griffith for his comments. She stated she works with a great group of people who are close knit and work well together. She looks forward to the future working in the Neighborhood Services Division.

PRESENTATION OF EMPLOYEE OF THE MONTH FOR MARCH TO GENEVA CANNON, SPORTS COORDINATOR IN THE SPORTS AND AQUATICS DIVISION OF THE PARKS AND RECREATION DEPARTMENT.

Kim Shahan, Parks and Recreation Director stated Geneva Cannon is retiring from the City of Lawton with 27 years of service. She is part of the history of the youth and sports programs of this community. She has been involved as a player, coach and official in both volleyball and softball. She has also found time to officiate over 200 games a year. He stated she was also a major part of enhancing the girl s softball facilities.

Mayor Purcell presented a plaque, certificate of honor, two days of nonchargable leave, script money from

Chamber merchants and a Mayor's Do What's Right coin. He also presented a plaque in honor of her 27 years of service.

Ms. Cannon thanked the City Council for all their hard work. She stated she has enjoyed working with the coaches and the ballplayers.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF MARCH 14, 2006.

MOVED by Warren, SECOND by Givens, to approve the Minutes of March 14, 2006. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Vincent stated that in the background information on #2 it stated the award amount is \$16,114.56. He stated this amount should be \$16,864.56.

Shanklin requested item #4 be discussed separately.

MOVED by Shanklin, SECOND by Patton, to approve the Consent Agenda items as recommended with the exception of item #4 and the amount modification to item #2. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: C.W. Squyres in the amount of \$312.31, Judy Whitehouse in the amount of \$1,750.00 (**Resolution No. 06-57**), and Jimmy and Jackie Barker in the amount of \$1,200.00 (**Resolution No. 06-58**). Exhibits: Legal Opinions/Recommendations, Resolution 06-____, Resolution 06-____.

2. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Quincy Jackson in the Workers Compensation Court, Case No. 2005-03094 L. Exhibits: **Resolution No. 06-59**.

3. Consider denying a donation of property located at the corner of 9th Street and I Avenue. Exhibits: Letter from Tulula Howell and Location Map.

4. Consider approving an Outside Water Sales Contract with John & Jeannette Klein and Darrell & Rosa Dawkins, which would serve a proposed subdivision in the Northwest Quarter of Section 30, Township 2 North, Range 10 West, and authorize the Mayor and City Clerk to execute the contract. Exhibits: Request letter. Contract is on file at the City Clerk's office.

Shanklin stated he is assuming this rate is 1 times.

Vincent stated this rate established by the City Council, which right now is 1 times the \$3.35.

Shanklin stated they intend to use around 24,000 gallons with each person using 100 gallons a day. He stated we have set ours at 200 gallons a day. If we are going to move 4,000 5,000 people in here we are looking at that figure we may not need 100 million gallons more water. This would make a small dent in our water consumption.

MOVED by Shanklin, SECOND by Haywood, to approve an outside water sales contract with John & Jeannette Klein and Darrell & Rosa Dawkins. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

5. Consider acknowledging receipt of two permits from the Oklahoma Department of Environmental Quality for the construction of 808 linear feet of eight (8) inch PVC water line and 533 linear feet of eight (8) inch gravity PVC sewer line and all appurtenances to serve the Arvest Plaza located in the SE/4 of Section 28, T-2-N, R-11-W, I.M., City of Lawton, Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City Clerk's office.

6. Consider accepting sanitary sewer and water improvements, maintenance bond, and easement located at NE Flower Mound Road and East Gore Boulevard to serve ARVEST Bank. Exhibits: Location Map. Maintenance Bond on file in City Clerk's office.

7. Consider setting a date of May 9, 2006, to hold a public hearing and consider an ordinance closing the eastern five feet (5) of the right-of-way of NW 6th Street abutting Lot 9, Block 17, North Addition, also known as 515 NW Dearborn Avenue. Exhibits: Application, Location Map, Survey, Council Policy 5-1.

8. Consider approving the construction plans for a street extension of SE Hardin Avenue to serve a tract located near 5011 SE Kincaid Avenue. Exhibits: Location Map.

9. Consider approving and authorizing the Mayor to sign the attached maintenance contract with Stratus Technologies for the E-911, Computer Aided Dispatch server. Exhibits:
Maintenance contract between Stratus Technologies is on file in the City Clerk s office.

10. Consider officially naming the park property at D Avenue and Sheridan Road the Bridge Park. Exhibits:
Resolution No. 06-60.

11. Consider awarding a construction contract to Gibson & Associates, Inc. for the East Gore Boulevard and Cache Road/Fort Sill Boulevard Bridge Improvement Project #2005-2. Exhibits: None.

12. Consider awarding (CL06-039) Easement Rodders to Texas Underground, Incorporated of Pearland, Texas. Exhibits: Department Recommendation and Abstract of Bids.

13. Consider rejecting bids for (CL06-040) Portable Pumps, 4 & 6. Exhibits: Abstract of bids and department recommendation.

14. Consider awarding (CL06-043) Manhole Rings and Covers to Water Products of Oklahoma, Incorporated of Owasso, Oklahoma. Exhibits: Department Recommendation and Abstract of Bids.

15. Consider extending the contract (CL03-051) Custodial Maintenance Service Group 2 & 3 with UCI Services Group, Incorporated of Lawton, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form, Abstract of Bids.

16. Consider extending the contract (CL05-042) Mowing and Litter Contract II with:
1) Teen Challenge of Oklahoma from Cache, Oklahoma for Areas G & H, and 2) WFS Service, LLC of Lawton, Oklahoma for Areas D, E, I, J & K. Exhibits: Department Recommendation, Contract Extension Forms, Abstract of Bids.

17. Consider approving appointments to boards and commissions. Exhibits: None.

18. Consider approval of payroll for the periods of February 27- March 12, 2006. Exhibits: None.

OLD BUSINESS ITEMS:

19. Hold public hearing and adopt resolution declaring the structure at: 1202 S.W. 25th Street to be dilapidated public nuisance, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Resolution 06-___. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

1202 SW 25th Street: Griffith presented photographs of the property. The structure was brought before the City Council on February 14, 2006 and was tabled for thirty days. There have been no improvements made to the structure. There have been no utilities since May 1987.

PUBLIC HEARING OPENED.

Ralph Newcomb, President of the Helen W. Holliday Foundation, stated they own this property because of a mortgage foreclosure which occurred approximately six months ago. He requested an additional extension of 30-60 days. They have a potential buyer for the property and do have a contract. The closing date is scheduled for Friday. The buyer will either rebuild the structure or tear it down.

Shanklin stated they try to accept the staff recommendation and put the property on the demolition list. This would still give the foundation 30 days. He asked Mr. Newcomb if he could live with these terms.

Mr. Newcomb stated that would depend on the purchaser. He will be the one to decide after they close on Friday.

Mr. Vincent stated the code provides that the owner has 30 days to get a demolition or remodel permit. If he chooses to demolish, he would have 30 days after the end of the first 30 days to get it torn down.

Mr. Newcomb stated he had no problem with this process.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Shoemate, to approve **Resolution No. 06-61** and declare the structure at 1202 SW 25^h Street to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

Mayor Purcell stated he has received a request that item #27 be considered next.

27. Consider a request for City to provide scorekeepers for adult and youth softball and baseball and provide funds in the amount of \$18,500 from Council Contingency. Exhibits: None.

Jackson stated he was approached by adult and little league coaches who were concerned about the elimination of paid scorekeepers at the games. He stated both he and Councilmember Shoemate have been involved and it does pose a problem at the competition level. He feels it would be appropriate to reinstate these positions. These were in the Parks and Recreation budget up to two years ago. They were eliminated when the city was having budget problems.

Shoemate stated they have problems at little league games when someone misses a score and parents get upset and get into an argument. They need to have paid officials.

Jackson stated this will also give them records to which they can refer.

Mayor Purcell stated he has heard comments from the Parks and Recreation Commission regarding the need to look at redoing some of the ball fields.

Kim Shahan, Parks and Recreation Director, stated the five softball fields at 38th Street which were created in 1982 have not been resurfaced. Those five fields are the most highly used facilities within the adult program. That is a project that needs to be considered.

Mayor Purcell questioned if he could estimate the cost.

Shahan stated they are looking at \$20,000 per field.

Mayor Purcell stated he knows Mr. Jackson and Mr. Shoemate feel strongly about this issue, but when his kids were growing up the parents always kept scores and they never had any of these problems. He is concerned that we are going to spend \$36,000 a year on scorekeepers when he hears from the Parks and Recreation Commission that we really need to spend \$20,000 to redo fields.

Warren questioned if the City Council requested Mr. Shahan hire these scorekeepers but did not provide him with any extra funding, what would the solution be? He questioned if the City of Lawton could coordinate and have the teams pay for the scorekeepers.

Shahan stated in the past two years since the money was deleted in the budget, the responsibility of scorekeepers for keeping the books in softball, adult and youth, has been the responsibility of each team, whether it be a parent of a player on a particular team. He stated one of the recommendations that was suggested was requesting the payment on the day of the game per team. We would recruit people who are willing to be scorekeepers, put them in a training program, assign them a game and each team would provide them \$5 a game.

Warren questioned if they can figure out a way so that the City of Lawton is not actually paying the scorekeepers they don't have to worry about FICA tax and all those other costs that get tagged on. He stated there are scoring issues, but he remembers when there was a volunteer from each side that kept score and what bothers him is that the whole reason for having this program is to teach sportsmanship. It seems as though the parents are causing a problem that is taking away from the whole purpose. If there are parents that can't get along and can't make this an enjoyable program for the kids and adults, then we have a different problem to address.

Haywood stated they are trying to prevent problems. He stated he did attend the Parks and Recreation meeting. He asked Mr. Shahan to talk about what exactly the Parks and Recreation Commission is requesting.

Shahan stated they are requesting the City Council amend the city budget to provide funding for scorekeepers.

Shanklin stated we represent these citizens of Lawton and they are entitled to a little bit of return on their

investment. It shows a little more professionalism at these games and he supports this 100%.

Jackson stated we offer one of the best little league and adult recreation programs in the country. He was a big part of this for 31 years and it is an area of concern that they do not have paid scorekeepers and records. He feels this is something our citizens require and need.

MOVED by Jackson, SECOND by Shoemate, to approved funding to provide scorekeepers for adult and youth softball and baseball in the amount of \$18,500 with \$12,714 of that amount coming from the City Council contingency fund and direct staff to find funding for the remaining balance of approximately \$6,000. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

Shoemate left the meeting at 6:52 p.m.

20. Hold public hearings and adopt resolutions declaring the structure(s) at: 210 N.W. Bell Avenue, 2408 S.W. Cornell Avenue, 2506 S.W. D Avenue and 1901 S.W. McKinley Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Four Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

210 NW Bell: Griffith presented photographs of the property. The structure has been without utilities since September 2001 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 06-62** and declare the structure at 210 NW Bell to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

2408 SW Cornell: Griffith presented photographs of the property. The structure has no utilities and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes. The stairs and walkway surfaces lack the required handrails and guardrails.

PUBLIC HEARING OPENED.

Anna Howell, 2302 SW Sheridan, stated she is the property owner. In 1988 she transferred land over to the City of Lawton for the drainage canal project. She had to move her trailers around. She requested additional time to move one trailer and repair another.

PUBLIC HEARING CLOSED.

Jackson clarified to Ms. Howell that she will have 30 days to decide what to do about the property.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution No. 06-63** and declare the structure at 2408 SW Cornell to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Givens, Drewry. NAY: None. MOTION CARRIED.

2506 SW D Avenue: Griffith presented photographs of the property. The structure has been without utilities since December 2002 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes. The roof is in disrepair.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Warren questioned if staff had anything in written form that explains the process so that when a property owner comes before the City Council they can just provide them with a handout.

Jackson stated this should be explained in the notice that is originally mailed out.

Griffith stated they can include information in the packet that is initially mailed out to the property owners.

MOVED by Shanklin, SECOND by Jackson, to approve **Resolution No. 06-64** and declare the structure at 2506 SW D Avenue to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

1901 SW McKinley: Griffith presented photographs of the property. The structure has been without utilities since February 2005 and is vacant. The exterior surface lacks protective treatment. Windows, skylights and doorframes are not

weather tight.

Haywood stated Mr. Alexander, the property owner lives in San Antonio and does not want the house. He had given it to someone, but did not transfer the name.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-65** and declare the structure at 1901 SW McKinley to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

21. Receive input on the CDBG Section 108 Loan Guarantee Program application and provide staff guidance, consider authorizing staff to investigate the feasibility of applying for a Brownfields Economic Development Initiative (BEDI) grant, and if deemed appropriate, authorize staff to develop a BEDI grant application for City Council consideration. Exhibits: Exhibit A-Section 108 Loan Guarantee Application Outline; Exhibit B-2nd Street Enhancement Project Budget; Exhibit C-Application Development Schedule.

Tom Aplin, Assistant Director of Housing and Community Development, stated he included in the packets an outline that was developed based on his review of the regulatory requirements and the submission requirements for the publication. He stated there is a lot of work to be done, but they are very close to a final outline. The projected funding for the project is included as Table 1. The Section 108 application will be for \$2 million. He included a development schedule in the packet information. This is an aggressive schedule they will be striving to meet if possible. He stated there is a citation in the regulations that states specifically in cases where a section 108 loan has terms between ten and twenty years, HUD is requiring security. He verified that with the Oklahoma City office.

Haywood asked what he meant by security. Could they use land?

Aplin stated it could be land that the city owned or structures that will be built. He stated given the nature of this project, he did not know if they would accept that as security. The last discussion he had with the point of contact on the Section 108 indicated that perhaps full faith in credit of the local government would be sufficient.

Shanklin questioned how they paid this back.

Givens stated other cities use this program all the time so this can not be that big of an issue.

Aplin stated the intent of the City Council is to pay it off with future CDBG funds.

Shanklin questioned what happens if the government kills CDBG in three years.

Aplin stated the City of Lawton would pick up the obligation to make those payments.

Givens stated the government has been killing one or more of these programs for fifty years. They can worry about that from now on.

Aplin stated he would address the Brownfields Economic Development Initiative (BEDI). He stated this is an economic development grant that is specifically designed to be used with a section 108 loan program and is designed to fund projects that address brownfields and create jobs for low and moderate income individuals within the community. HUD put out the notice of funding availability that is dated March 8th. There are 10 million dollars available for this competitive grant. The maximum grant is \$1 million. One of the purposes for doing the BEDI grant is to help local communities deal with the loss of the CDBG funding that they commit to their section 108 loans. The intent of this would be to provide some sort of a stream of income that might soften the pressure of the section 108 loan on the future CDBG funding stream. In this case, the BEDI must be associated with a new section 108 grant. The City of Lawton would be an eligible applicant. He stated there is a chance that we could come up with a project that would meet these criteria. He has not finished a complete review of these criteria and he needs to do some more research before he can give a definitive recommendation on whether to pursue this or not. The grant is due June 14th of this year. He would like the City Council to authorize his office to continue to research this and if they determine that it would be of benefit to the City of Lawton to pursue the section 108 grant, authorize the Mayor or City Manager to allow staff to proceed with development of the application.

Givens stated he thought that is what they were deciding tonight, whether to submit the 108 application or not. Will the coupling of the BEDI grant cause any delay? He wants the section 108 application to go in as quickly as possible.

Aplin stated it will be tough to do both at once, but he does not believe that any delay will be significant.

Givens stated from what he has read, the President has proposed to cut out section 108 applications in the next fiscal year budget. That may or may not happen. There are funds now and it won't work if they wait until next fiscal year to submit the application. He wanted to know if staff can get it done in June.

Aplin stated it will be done in this fiscal year.

Givens stated they have taken a lot of time with this whole process and he is getting impatient.

Haywood questioned if both could be done by June 14th.

Aplin stated he is hesitant to say because he has never done one before and he will need a lot of help to pull this together. There is no identified project that meets the requirements. They have all of the conditions on 2nd Street between C Avenue and Ferris to develop a project that meets those requirements. He cannot guarantee that this will be done by June 14th. He stated he will give every effort to make sure that it is done.

Patton questioned if they will have to start at square one on the BEDI application.

Aplin stated yes, in terms of developing a project. He stated he has talked with ASCOG, Northside Chamber, Lawton-Fort Sill Chamber and several others. There are some potential things that might fit right in. The requirements parallel the section 108 application, so much of the work done on one can be used on the other application. In talking with an advisor, he was told they typically have enough money to fund about 50% of those projects that make it through screening and rating.

Haywood questioned if the applications go directly to Washington, D. C.

Aplin stated yes.

MOVED by Givens, SECOND by Drewry, to authorize staff to submit a Section 108 Loan application based on the development schedule and couple with the BEDI Grant application. AYE: Haywood, Warren, Givens, Drewry, Jackson, Patton. NAY: None. ABSENT: Shanklin. MOTION CARRIED.

22. Consider approval of the schematic design for the Second Street Enhancement Project from NW Ferris Avenue to SW C Avenue. Exhibits: Original Streetscape Concept Ferris Avenue to C Avenue, LURA Approved Schematic Design Ferris Avenue to Columbia Avenue and Memorandum Estimated Cost vs. Funding.

Richard Rogalski, Planning Director, stated on July 26, 2005 City Council adopted a resolution endorsing the Downtown Redevelopment Plan. This plan included the pursuit of grant money to help fund an enhancement project for the Second Street corridor from Ferris Avenue to C Avenue. An application was made for Transportation Enhancement Grant funding from ODOT, and on August 9, 2005, City Council adopted a resolution to execute the Project Agreement between the City of Lawton and ODOT for Phase I of said project (Ferris Avenue to Columbia Avenue), which included \$454,400 of grant funding. Since that time, LURA has retained Tetra Tech to prepare a Schematic Design Report providing a more detailed design concept and cost estimate for Phase I of the Second Street Project. LURA has approved this concept for Phase I, and is in the process of negotiations with Tetra Tech for the final design and construction documents for the entire project from Ferris Avenue to C Avenue. If approved by City Council, the schematic design for Phase I will be used as a template for the entire project. In the schematic design they mainly looked at street width and sidewalk width. The design allows for sixty feet of road from curb to curb. These were the smallest lanes they could live with traffic wise. The focal point is the intersections with more intense landscaping and scored concrete. Fairly mature trees will be used so they do not block the retail establishments. He stated there are four phases listed. The City Council has expressed an interest in the section 108 loan to build a little more of this project a little earlier. If they move forward before summer of next year, they really can't apply for phase two for the ODOT funding. They will be applying for phases three and four. He reviewed the estimated cost vs. funding. He stated he has looked at getting additional funding from ODOT through the Small Cities funds for some of the signalization.

Haywood questioned why there was no money from ODOT on Phase II.

Rogalski stated the application deadline for Phase II is late in the fall and you do not know if you get the grant until spring and it is not funded until summer. It is a matter of us moving faster than ODOT's revolving application fund timeline. They can go for Phase II if they decide to slow the 2nd Street development down.

Haywood stated they need to try for all the money they can get.

Patton stated he agrees. He questioned if the money from ODOT was appropriated or unappropriated.

Rogalski stated the \$454,400 in Phase I is appropriated. That has been granted. He stated he has heard that if

Phase I is funded it is likely that Phase II will also be. There is the possibility that they can get two in the next go around.

Mayor Purcell stated that tonight they are only looking at approving the schematic design.

Rogalski stated this is just to spend LURA's money at this point.

Jackson stated it is hard for him to approve this until they get more detailed drawings.

Rogalski stated this supports the general concept of the intersections, street width and those hard items. The real plan will come back to the City Council for approval.

Shanklin questioned if they are going to tear out any concrete.

Rogalski stated they will be tearing out the existing curbs, sidewalks and storm drainage will have to be moved in. They are narrowing the streets. They will be milling some of the asphalt down and overlay the existing roadbed.

Shanklin questioned if there were any drainage problems in this project.

Rogalski stated he did not believe so. There are existing storm drains along 2nd Street.

Shanklin questioned if there was a work sheet to show these estimates.

Rogalski stated Tetra Tech prepared a fairly extensive cost breakdown. He stated there is a lot of landscaping which is very expensive.

Shanklin questioned if he could come by and get a copy.

Rogalski stated yes.

Drewry questioned if the landscaping would block any of the businesses.

Rogalski stated the landscaping at the intersections is low, but the trees along the roadway will be taller and will not block any of the first story of the business.

MOVED by Givens, SECOND by Patton, to approve the schematic design for the Second Street Enhancement Project from NW Ferris Avenue to SW C Avenue. AYE: Warren, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

23. Clarify City Council's intentions for the extension of SW Chaucer Drive from within the Eisenhower Village development southerly to that portion of SW Chaucer Drive connecting to SW Lee Boulevard. Exhibits: Eisenhower Village Land Plan, Agenda Item Commentary from April 22, 2003 City Council meeting and Minutes from the April 22, 2003 City Council meeting.

Rogalski stated the original Land Plan for the Eisenhower Village, prepared more than 30 years ago, encompassed the SE of Section 32. The development consisted of single family residential for much of the north 2/3 with a mix of commercial and high density residential making up the south 1/3. SW Chaucer Drive was planned as the primary collector street, extending from approximately the mid-section point of SW Lee Boulevard to approximately the mid-section point of SW 67th Street. This Land Plan has been more or less followed since this time, with some revisions noted.

On April 22nd, 2003, City Council approved the plans for construction and dedication of a short extension of SW Chaucer Drive at SW Lee Boulevard to serve the Bible Baptist Church. During the minutes of the meeting, it was discussed that the road would eventually be continued north into the Eisenhower Village Development. However, the recent submittal of the Construction Plat for Eisenhower Village Part 11 did not continue Chaucer Drive to the south, eliminating the future connection to SW Lee Boulevard.

He stated when City Council voted to accept dedication of that short portion of SW Chaucer Drive, he felt that it was their intent that this road would be continued as indicated during the meeting and as shown on the Land Plan for Eisenhower Village. He stated this portion of SW Lee Boulevard has limited access, with SW Chaucer Drive being one of only three access points allowed for the entire mile from SW 82nd Street to SW 67th Street. Being located mid-way between SW 82nd Street and SW 67th Street, Chaucer Drive would be the most suitable location for future signalization on SW Lee Boulevard.

He stated he does understand Mr. Jones point when he chose not to extend that road. In any planned development, you are building your interior streets for connectivity and to provide access in and out of the subdivision well and efficiently. However, there is also the danger that people will choose that as a cut through. Cut through traffic is the worst thing that can happen to a subdivision and should be avoided. There are ways to keep traffic out of a subdivision.

Mitchell stated the central issue is if they want to reaffirm the City Councils decision to extend Chaucer Drive.

Patton stated this happened right before he took office. It seems that when someone comes before them and asks to do something, they generally give them permission. He does not see this body as saying that he needs to put in the street.

Rogalski stated the City Code gives the City Council strong leverage to provide connectivity and traffic flow. He stated this is a good design but he does share their concern about cut through traffic. They are looking at only three access points and if they decide one access is just a driveway, they only have two more for streets to come in on Lee Boulevard. He stated staff has tried to look for another solution and they just can't find one.

Patton questioned how the church got in there.

Rogalski stated the church is the one who built that little access.

Patton questioned if that will count as an access.

Rogalski stated they have not accepted the improvements, but City Council directed staff at that 2003 meeting to accept it as a public street. That little stub will be accepted as a public street once it is finished.

Patton stated at this time there is only one access street.

Rogalski stated yes.

Vincent stated the issue is that ODOT only granted three access points total. He stated they received a document today from ODOT dedicating back to the City all the right of way on Lee Boulevard from I-44 down to 82nd Street and they are verifying the legals and will be bringing it to the City Council shortly. The limits of no access are in the ODOT dedication back to the City. Even though the City is going to have control of the right of way once the City Council acknowledges the dedication back from ODOT, it still will have the limits of no access. We will have more flexibility in moving those access points.

Patton stated if someone comes to the City Council and they request a road and something changes their mind and they decide to do something different with the land, he has a problem holding their feet to the fire.

Vincent stated from a legal standpoint they can't have that short stubby driveway as a dedicated road going to private property. The City Council can choose not to accept it.

Rogalski stated at that previous meeting, the City Council approved the plans, but they specifically stated it would be accepted as a public street right of way.

Mayor Purcell stated they have problems with this issue on the east side of town. He stated the City Council agrees to do something and approve the streets, then the developer decides he does not want to build the street, and they receive complaints because there is no way to get in and out. He stated what if that is the only way out for those residents north of Drakestone, that would be a major problem for those people. They need to be careful about saying they are going to do one thing and then years later when it is time to build the street they decide not to build.

Jackson stated where Mr. Ledford is building his development on East Cache Road, we are requiring him to extend Kingsbriar to Cache Road so those residents can have access to their neighborhood. It will give a good flow of traffic.

Givens stated he does not see in the minutes that Mr. Jones agreed to do this in 2003.

Rogalski stated the road has been on the development sketch since the beginning. It was not clear what Council had said. He stated he could not interpret the intent.

Givens stated he would not be able to speak for that City Council.

Patton stated what if a developer came to staff with a plat of new areas, in order to approve that plat would staff tell that developer that they need to put in a connecting street.

Rogalski stated if not for the access limitation, the subdivision would probably have enough connectivity. They could look at a traffic impact study. If they only have three connections, they need to use them wisely.

Mayor Purcell clarified that they have two choices, either the City Council insists that the road be built or they do not care if that road is ever built and they will not accept that short drive that goes into the church.

John Jones, 4301 Cache Road, distributed some alternative options. He stated early in 2003 he was contacted by the Bible Baptist Church and asked if he would participate in a roadway from Lee Boulevard just inside the subdivision which would give him entrance into his apartment site. He agreed to do this. At that time he only owned 7 acres of this R-4 land. He did not own any of the R-1 land so he was in no position to put Chaucer Drive through to Lee Boulevard. The only agreement with the church was to participate in the entrance. In 2004 he purchased the R-1 land and in 2005 he submitted a plat for developing the R-1 land. He feels the citizens of Eisenhower Village do not deserve to have a 300-400 unit apartment project dumped into their subdivision on Chaucer Drive. The apartment land does not need access from Chaucer Drive. They can have access over to 70th Street and at the mile line. He feels this street is not needed. He does not feel the critical issue is Eisenhower Village, but the critical issue is the undeveloped land to the west. That is the land that needs access. He visited with Reverend Weger to see if there was any agreement to participate on that street and there was none.

Mayor Purcell questioned if Mr. Jones would be burdened with the total cost if the church does not participate.

Mr. Jones stated he will be stuck with it anyway and he does not feel it is right. He had not been a party to the whole negotiation or the 2003 presentation to the City Council. He had no idea it was being presented for dedication. He stated he and the church had an easement agreement that they drew up at the time they agreed to put in the entrance. That is what he thought they were working from. For two years he had no idea they were looking at the dedication of the street.

Mayor Purcell stated that one of the City Council's options is they give guidance to the staff that they not require the street to be put in and do not accept that short drive.

Mr. Jones stated if the City Council decides they do not need that road for future development, the apartment developer can incorporate the road as a private road within this project. The major decision tonight is if that access needs to be a dedicated street and go into the undeveloped land.

Rogalski stated there are three options. One is no street at all, second is a street per the original plan and third is a street that comes up and does not connect into Eisenhower Village but would extend to the northwest to serve the northwest quarter as an additional access.

Mayor Purcell questioned who would pay for option number three.

Rogalski stated that street would be located on the apartment development and the city would require that public street to be built as part of that development. He stated Mr. Jones does not want the street to be built, but he especially does not want it to go through Eisenhower Village.

Warren questioned if they have to make a decision tonight.

Rogalski stated Mr. Jones has submitted his plans for this development.

Mr. Jones stated he submitted these plans in August.

Warren questioned what was west of the church.

Rogalski stated it was another mile to 82nd Street and the rest of that is pasture.

Vincent stated if they turn this from a dedicated road to a driveway it is still an access point.

Reverend Bob Weger, Bible Baptist Church, 1712 SW C Avenue, stated when their plans were submitted to the City Council for approval with the option of a dedication it was with a water line as well as the driveway. He questioned if they did not accept the dedication of the driveway, would this include the water line. They were both together on a joint effort. He stated this street is not an issue with the church. He questioned what would happen if the City Council does not accept this 10-inch water line that was installed underneath Lee Boulevard.

Vincent stated they can allow the church to dedicate an easement and the water line.

MOVED by Patton, SECOND by Drewry, to rescind the action of April 22, 2003, allow for the private driveway for the church and the apartment complex at the access point on Lee Boulevard and an easement to be dedicated by the church

for the 10-inch water line coming across Lee Boulevard. AYE: Shanklin, Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

24. Discuss a request requesting that 2nd Street from NW Ferris Avenue to SW C Avenue be renamed to Main Street. Exhibits: Letter of Request, Supporting Documents and General Location Map.

Rogalski stated the Planning Department received a request from Mr. Mike Dixon on behalf of some of the property owners along NW 2nd Street between Ferris and C Avenue requesting that 2nd Street be renamed to Main Street. There are 32 property owners who have street frontages along 2nd Street. A general location map of the requested street name change was included in Council packets. To accomplish the request the Council would be required to approve a resolution and notify all of the property owners of the name change. However, changing the name of 2nd Street to Main Street does present another question of changing an additional street name to avoid confusion for emergency responders.

NE Maine Street is located four blocks east of 2nd Street. It is located between East Gore Boulevard and NE Arlington Avenue. There are three single-family homes facing NE Maine Street. So if the Council desires to change 2nd Street to Main Street a new name should also be assigned to NE Maine Street.

Both of these streets are located in the D-6 Urban Renewal Project area so it may be appropriate to refer these questions to the Board of Commissioners of the Lawton Urban Renewal Authority (LURA) for their recommendations.

Mayor Purcell stated before the City Council goes through the time consuming process of taking this issue to the Parks and Recreation Commission to rename the street, to the City Planning Commission and to the LURA he decided to place the question on the agenda tonight to see what the City Council would like to do.

Mike Dixon, 201 Arlington, stated this issue came up during one of the Downtown Lawton Revitalization Committee meetings. Several of the committee members thought this was a great idea. The first place he stopped was the post office. They did point out to him that there is a Maine Street, but were unsure if there was even mail delivered to that address. He sent out letters to all 27 property owners from Ferris to C Avenue. Seventeen responded favorably through either letters, phone calls or dropped by his office. Three people were concerned about the name. He stated the majority of property owners on 2nd Street would like to see 2nd Street renamed to Main Street.

Mayor Purcell stated he is concerned that every city in this country has a Main Street or Broadway. That Main Street or Broadway separates a city either north or south, or east or west. He felt this would be confusing because Railroad Street separates Lawton from east or west. Then there would be 1st Street, then Main Street, then 3rd Street. This will add a lot of confusion.

Mr. Dixon stated he worked in the Planning Division when he was a youngster. The comments every day were why 35th Street ran into 36th Street. There are streets all over this town that are very confusing. It will only be confusion if we let it be confusing. The post office and landowners don't have a problem with this issue.

Mayor Purcell stated there is another street south of Lee that is also Main Street.

Mr. Dixon stated the post office does not have that in their records.

Warren stated we use the numbers and names of streets in order to inform visitors how to get someplace. We have renamed many streets, many have a non-directional name. He would be all in favor of renaming Railroad Street to Main Street, but he cannot see renaming 2nd Street. If they choose to do this, please rename it from the beginning to the end.

Drewry stated she did receive some calls from business owners on 2nd Street and they were against the idea.

Dan Mullins, 716 NW 46th Street, stated he has commercial properties at 304 W. Gore, 222 W. Gore, 206 W. Gore, 201 W. Gore, 8 NW 2nd Street and 16 NW 2nd Street. He stated he and Mr. Dixon are on opposite sides of the fence on this debate. There will be some expense to the City of Lawton, the property owners and confusion until the telephone directories are updated. Despite a grand vision for that area, it is still a mixture of used car lots, bars and pawn shops. It does not have a single law office, bank, courthouse or any of the other businesses that would be normally found on a Main Street. He would object to naming a blighted area Main Street. The measure is premature.

MOVED by Warren, SECOND by Drewry, to deny the request. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

25. Consider a request from Energetix to extend the Treated Effluent Option Agreement for the Lawton Energy Facility. Exhibits: Proposed Sixth Amendment to the Agreement.

Vincent stated Energetix has requested that we extend the option for one more year for their agreement to buy effluent water from the wastewater treatment plant. Staff has negotiated several changes to the contract, primarily dealing with condemnation having resulted from a couple of cases out of Oklahoma City and Muskogee. The bottom line is that staff feels we have a much better deal for the City of Lawton.

MOVED by Haywood, SECOND by Givens, to approve the extension of the Treated Effluent Option Agreement with Energetix. AYE: Haywood, Warren, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

26. Discuss the appointment of members to an oversight committee created for the purpose of rendering recommendations on the expenditure of revenues generated through water and sewer system impact fees, and take appropriate action, if necessary. Exhibits: Section 22-2-2-227, Lawton City Code, 1995 and Section 22-3-14-395, Lawton City Code, 1995.

Shanklin questioned if this committee had anything to do with construction and development of right of ways.

Mayor Purcell stated the committee only makes recommendations to the City Council regarding which projects are going to be funded out of the impact fees.

Shanklin stated there are those out there who do not understand. He questioned who handled the issue that one acre or less does not have to be engineered as far as run off.

Mitchell stated Mr. Shanklin was speaking of the stormwater drainage ordinance.

Mayor Purcell stated the only reason no names have been brought to this Council is because there is only \$150,000 in that fund and that will not build many roads, sewer or water lines at this time.

Shanklin questioned if the City Council has anything to do with appointing these members.

Mayor Purcell stated the City Council can make recommendations and will approve these appointments. He stated it is pretty specific in the ordinance who will be appointed.

Patton stated he thought they had about \$250,000 in that account.

Givens stated there is \$144,810 as of February.

Shanklin stated they could look at this again in six months. He questioned what committee met with staff and had input as far as the right of way widths, etc. He stated he understands there is a conflict over stormwater drainage as far as what the City Council said. Is it one acre or a fifty foot lot?

Mitchell stated staff is working with the City Planning Commission to clarify that provision in the ordinance.

Jackson stated it is in discussion with the planning staff right now and no decision has been made about clarification. That issue will need to be resolved before it even comes before the City Council.

Shanklin stated they had already approved it once.

Vincent stated it may not need to come before the City Council, depending on how staff can resolve the issue.

Shanklin recommended they table the discussion on the formation of the oversight committee for at least six months.

Patton stated he felt they needed some kind of a benchmark.

Mayor Purcell stated he could bring back a list of recommended member at the next meeting if the Council wishes.

Patton stated there should be something in place to state when this committee should be formed. Some kind of criteria when this thing will trigger.

Warren stated his only concern is that if they do not have the money to spend, is the committee required to meet?

Mitchell stated the City Council gets a financial report every month and they will see that fund building over time. At some point within the next six months they may want to appoint that committee. Staff estimated that in the first year they may have \$250,000 - \$300,000.

Jackson stated he likes the idea of the committee kicking in once they reach \$250,000.

Mayor Purcell stated he will agenda an item the first meeting after the fund reaches \$250,000.

ADDENDUM TO AGENDA

1. Consider approving the record plat for Regal Estates Addition, Part 5, and accepting the improvements, escrow agreement in lieu of completed improvements, maintenance bond, and easements. Exhibits: Plat Map. Maintenance Bonds, Escrow Agreement, and Easements are on file in the City Clerk s office.

Mayor Purcell stated this item came in late and they do not need to hold up the developer.

MOVED by Jackson, SECOND by Warren, to approve the record plat for Regal Estates Addition, Part 5, and accepting the improvements, escrow agreement in lieu of completed improvements, maintenance bond, and easements. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

NEW BUSINESS

1. Consider approving a License Agreement with the Department of Public Safety, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk s office.

Vincent stated this item will be treated as new business under the definition of the Oklahoma Open Meeting Act, Section 311 of Title 25, Subsection 9. He stated staff received this request last yesterday afternoon from the State of Oklahoma. This is part of the Homeland Security Grant. The City Council approved a Memorandum of Understanding with the State on November 22, 2005 with direction from staff to develop a License Agreement. Because of the timing, it must be approved tonight or they will have to go out for additional grant authority from the State. Therefore, this item meets the definition of new business. He stated this will allow the installation of a self-contained building along the east side of the Annex Building. The State is building the building, we are just giving permission to use the land.

MOVED by Warren, SECOND by Jackson, to approve a License Agreement with the Department of Public Safety, and authorize the Mayor and City Clerk to execute the agreement. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood thanked all the public works employees for all the good work they perform.

Shanklin questioned the trash pickup policy as far as couches, etc. He said he stopped three trucks and received two different answers.

Ihler stated the only time they will pick up couches and furniture is if the resident calls and asks for a special pickup and pays the \$42 fee, or if it is during spring or fall clean up.

Shanklin questioned if they ever pick up stoves or refrigerators.

Ihler stated they do pick those up during the clean up weeks if the resident has a certificate that the Freon has been removed.

Patton questioned if that even includes those residents who have the new containers.

Ihler stated yes.

Shanklin questioned if they pick up sacks that are not in containers.

Ihler stated as an example, if a resident scalps their lawn and they set out thirty bags of yard waster, we will not pick that up. Residents should use common sense as to the number of containers that are set out. Residents are allowed two 35 gallon containers.

Shanklin stated he was not in attendance at the meeting when the City Council changed the regulation from three 20-gallon containers to two 35-gallon containers. He questioned why they went to two 35-gallon containers.

Ihler stated they made that change because a lot of people were putting out 95-gallon containers as well as 55-gallon drums without handles. It was difficult for employees to pick these up so they put a limit of two 35-gallon containers. It was a safety issue for employees.

Shanklin stated he received some mail regarding the cost of traffic lights on E. Gore. He questioned when this all came about.

Ihler stated this is the intersection of Gore Boulevard and the entrance to the Best Western, Montego Bay apartments and Comanche Nation Casino. There have been many accidents at that location over the last couple of years. They are trying to come up with an approach because the City of Lawton has no funds at this point and this project is not identified in any capital improvement project. Staff is trying to come up with some method to fund some type of a signal at that location. They spoke with ODOT about the possibility of an 80/20 agreement, but the timeframe may take one year to 18 months before they could get anything constructed. Staff approached the Comanche Nation tribe and asked if they would participate in a temporary signal at this location where the City of Lawton would fund all of the labor and equipment to install a signal. It would be wooden poles and hanging wires, similar to the one at 53rd and Cache Road. This is basically a temporary signal and the estimated cost of the materials is approximately \$25,000. They requested that Comanche Nation fund the material cost and we would fund the installation cost.

Shanklin stated that they are not talking about \$150,000.

Ihler stated staff decided not to pursue the project with ODOT because of the time frame.

Shanklin stated he does not believe the constituents in his ward should have to pay for this project.

Ihler stated this is a city street and there is a safety factor with the number of accidents on Gore Boulevard. He stated he and the City Attorney met with representatives from the Comanche Nation. They put together a draft agreement in hopes the Comanche Nation will participate in this project. Staff anticipates that once they receive the funds they can get this completed in a two to three week period.

Shanklin questioned if the Comanche Nation ever had an engineering study done.

Ihler stated staff sent the City Council the summary portion approximately six months ago.

Shanklin questioned if Ihler agreed with the study.

Ihler stated the traffic study had recommendations that definitely improved the safety and access. One recommendation was a traffic signal at Lee Boulevard and an entrance off of Lee Boulevard coming in with a frontage road to the casino which would also be very helpful with regards to controlling the ingress and egress for the casino as well as assist with the soccer field. The study also recommended a traffic signal on Gore Boulevard, not at the existing intersection, but 700 feet further east from the existing location to provide a greater distance between the existing signal for the I-44 off ramp and the proposed signal and entry to the casino and hotel.

Jackson stated the bulk of those living on the east side have to travel down Gore and they deserve to be safe.

Mayor Purcell stated they have been trying to get this issue fixed for years. This is a temporary fix until some other thing is done.

Ihler stated he cannot estimate how long this temporary signal will be there.

Mayor Purcell stated it will be there until all the City Council members start getting phone calls regarding the delays and traffic jams this will cause. All those who travel east and west on Gore Boulevard are going to be upset after the first couple of weeks.

Patton stated the point is that this is a safety issue.

Mayor Purcell stated they thought they might be able to do something with the off ramp onto I-44, but that doesn't seem feasible at this time.

Ihler stated the problem with the off ramp on I-44 is that if anything ties into a state or federal highway, it really needs to be a frontage road and not a private access drive.

Givens questioned how long a frontage road has to be.

Ihler stated that basically the frontage road would run from Lee to Gore.

Shanklin stated he is worried about the E-911 agreement if Comanche County is remodeling the courthouse.

Mayor Purcell stated the ball is still in the County Commissioners' court. He signed the agreement from the joint meeting in December and it is still sitting at the County. They cannot do anything until more than one

Commissioner agrees. That is why the City Council approved including an Emergency Operations Director in next years budget.

Shanklin stated they need to educate the citizens of Lawton that they are Comanche County.

Mayor Purcell stated until they get one more vote at the County, nothing will be done.

COL. Uberti stated that one of the things that has come to light with the burn ban and the fires that the state has suffered, is that there is a lack of mutual aid agreements across the county amongst a lot of the emergency services providers. He stated E-911 is just the tip of the iceberg. The City of Lawton has done a lot of great work establishing mutual aid commitments and co-locating emergency services to provide the best service for the citizens.

Mayor Purcell stated once the E-911 agreement is signed, then they can move on and consolidate emergency operations throughout the county.

COL. Uberti stated that with all the close calls they have had in the last several months it just keeps reinforcing that this is the wise thing to do.

Mayor Purcell stated if it gets to the point where we have an Emergency Operations Director, he would like to get City Council approval to go out to the smaller communities to see if they would like to join the City of Lawton s E-911 and EOC.

COL Uberti stated there are a lot of businesses and private citizens that are participating in the Walk for Freedom to show support for the deployed soldiers. He stated there will be an event on Saturday at Rheinhart Physical Fitness Center for those who are supporting this program. He reminded everyone that the trash off will be held on April 8th. He stated there has been a recent change regarding cell phone use on federal installations. It is now a punitive offense. Beginning May 1st there will be a \$50 fine for using a cell phone without a hands free device while operating a motor vehicle.

Mitchell stated the City Council has been approving resolutions for demolitions and in the next 30-60 days they will bring down 20-25 properties.

Vincent stated he will be on vacation the following week and Frank Jensen will be the acting City Attorney.

Mayor Purcell thanked the Mayor s Beautification Committee and Dr. Rosemary Bellino who removed all kinds of junk in town. He stated more and more people are getting involved in cleaning up this community. He stated someone went out on Saturday and picked up all the trash on Rogers Lane between I-44 and Flower Mound Road. He stated April 4-14 is spring clean up and even those who are in the pilot program will be able to participate.

Ihler stated the spring clean up is city wide.

The Mayor and Council convened in executive session at 8:49 p.m. and reconvened in regular, open session at 10:00 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

28. Pursuant to Section 307C10, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an economic development prospect to be located within the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 28 shown above. He stated representatives from the Lawton Fort-Sill Chamber of Commerce did present this economic development proposal to the City Council. No action is required.

29. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the law suit, in the Oklahoma County District Court, City of Lawton vs. Public Employees Relations Board and American Federation of State, County, and Municipal Employees, Case No. CJ-2004-9617, and the related appeal before the Oklahoma Supreme Court, Case No. SD-101934; and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 29 shown above. He said the Council did receive a briefing on the pending litigation. No action is required.

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the semi-annual evaluation review of Larry Mitchell, City Manager, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Purcell read the title of item 30 shown above. He stated staff will agenda this item for the next meeting.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 10:03 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK